

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

BOARD OF TRUSTEES, SHEET METAL
WORKERS' NATIONAL PENSION
FUND,

Plaintiff,

v.

JORDAN PANEL SYSTEMS
CORPORATION, et al.,

Defendants.

Case No. 1:15-cv-01554 (GBL/IDD)

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Default Judgment pursuant to Federal Rules of Civil Procedure 55(b)(2). (Doc. 7). Plaintiff is the Board of Trustees of the Sheet Metal Workers' National Pension Fund ("Plaintiff"). (*See* Doc. 13). The Defendants are Jordan Panel Systems Corporation ("Jordan Panel"), Jordan Installation Services Corporation, and JAF Development Enterprises, LLC (collectively, "Defendants"). (Doc. 1).

Defendant Jordan Panel was a signatory and bound by a collective bargaining agreement with Local Union No. 28 (the "Agreement"). *Id.* Under the Agreement, Jordan Panel must contribute to Plaintiff "money for each hour worked by employees of the Defendant[s] covered by the Agreement." *Id.* Jordan Panel effected a "complete withdrawal" from the Fund as defined in Section 4203 of ERISA, 29 U.S.C. § 1383. *Id.* Pursuant to 29 U.S.C. §§ 1001 et seq., Plaintiff sought unpaid contributions, interest on unpaid contributions, liquidated damages, and attorney's fees and costs incurred as a result of Defendants' withdrawal from the Sheet Metal Workers' National Pension Fund ("the Fund"). *Id.*

On June 7, 2016, Judge Davis issued a Report and Recommendation recommending entry of default judgement in favor of Plaintiff and against Defendants. (Doc. 13). Plaintiff requests \$396,936.58 in its Motion for Default Judgment. (Doc. 8). However, in default cases in this circuit, there can be no recovery over the amount pled in the complaint when money judgment is sought. *Compton v. Alton S.S. Co., Inc.*, 608 F.2d 96, 104 (4th Cir. 1979).

In light of the foregoing,

This Court **ADOPTS** the Magistrate Judge's Report and Recommendation because it is supported by substantial evidence and applies the proper legal standard. (Doc. 13). Therefore, Plaintiff's Motion for Default Judgment (Doc. 7) is **GRANTED** to the extent that Defendants owe Plaintiff \$253,920.49. Accordingly, the Clerk is hereby directed to enter default judgement as to Plaintiff against Defendants in the amount of \$253,920.49.

IT IS SO ORDERED.

ENTERED this 13th day of July, 2016.

Alexandria, Virginia

7/13/2016

_____/s/
Gerald Bruce Lee
United States District Judge